IN THE CLAIMS

1. (CURRENTLY AMENDED) A method of selecting an active base station for use during soft handover, the active base station being for receiving data from a plurality of user equipments, the method comprising:

determining ~~the~~ an amount of data in ~~the~~a data buffer of each of the user equipments;

comparing the amounts of data in the data buffers of the user equipments to obtain a relative indicator, the relative indicator indicating how full ~~a~~ one of the user ~~equipment's~~ equipments' data buffer is in comparison to the data buffers of the other of the user equipments; and

selecting a base station as ~~an~~ the active base station ~~in dependence~~for the one user equipment based on the relative indicator.

2. (CURRENTLY AMENDED) The method according to claim 1, wherein the relative indicator is an indication of how full ~~a~~ the one user equipment's buffer is in comparison to ~~the~~ an average.

3. (CURRENTLY AMENDED) The method according to claim 1, wherein the relative indicator is an indication of how full ~~a~~ the one user equipment's buffer is in comparison to ~~the~~ a minimum.

4. (PREVIOUSLY PRESENTED) The method according to claim 1, wherein a plurality of relative indicators are obtained for each user equipment.

5. (PREVIOUSLY PRESENTED) The method according to claim 1, wherein the comparing is carried out by the base station.

6. (CURRENTLY AMENDED) The method according to claim 5, further comprising transmitting ~~the or~~ each relative indicator for each user equipment from the base station to that user equipment.

7. (PREVIOUSLY PRESENTED) The method according to claim 6, wherein the selecting of a base station is carried out by the user equipment.

8. (CURRENTLY AMENDED) The method according to claim 1, wherein the selecting of a base station is carried out by a radio network controller.

9. (CURRENTLY AMENDED) The method according to claim 1, wherein ~~a~~ the one user equipment determines an amount of data in its data buffer and transmits an indication of the amount of data to the base station.

10 (CURRENTLY AMENDED) The method according to claim 1, wherein ~~a~~ the one user equipment sends to the base station an indication of the total amount of data to be sent, and the base station determines the amount of data in the user equipment's data buffer based on the indication of the total amount of data, and the amount of data already received by the base station from that user equipment.

11. (CURRENTLY AMENDED) The method according to claim 1, wherein ~~a~~ the base station is selected as ~~an~~ the active base station based on a history of the ~~or each~~ relative indicator.

12. (CURRENTLY AMENDED) The method according to claim 1, wherein ~~a~~ the base station is selected as ~~an~~the active base station based additionally on a measure of radio channel conditions.

13. (CURRENTLY AMENDED) The method according to claim 12, wherein ~~a~~ the base station is selected as ~~an~~the active base station based on a history of radio channel conditions.

14. (PREVIOUSLY PRESENTED) The method according to claim 1, wherein the selecting of a base station is carried out by the user equipment, and the method further comprises transmitting an indication of the selected base station from the user equipment to the base stations.

15. (CURRENTLY AMENDED) The method according to claim 1, further comprising scheduling uplink transmissions in dependence on the ~~or each~~ relative indicator.

16. (CURRENTLY AMENDED) The method according to claim 15, wherein each user equipment determines a rate and/or time at which it transmits data to the base station based on the ~~or each~~ relative indicator for that user equipment.

17. (CURRENTLY AMENDED) A base station for receiving data from a plurality of user equipments, the base station comprising:

a determining unit which determines ~~the~~ an amount of data in ~~the~~ a data buffer of each of the user equipments;

a comparing unit which compares the amount of data in the data buffers of the user equipments to obtain a relative indicator, the relative indicator indicating how full ~~a~~ one of the user ~~equipment's~~ equipments' data buffer is in comparison to the data buffers of the other of the user equipments;

a transmitting unit which transmits the relative indicator;

a receiving unit which receives a signal indicating whether the base station has been selected as an active base station for ~~a~~ the one user equipment; and

an allocating unit which allocates a channel to the one user equipment if the base station has been selected as ~~an~~ the active base station.

18. (CURRENTLY AMENDED) The base station according to claim 17, wherein the relative indicator is an indication of how full ~~a~~ the one user equipment's buffer is in comparison to ~~the~~ an average.

19. (CURRENTLY AMENDED) The base station according to claim 17, wherein the relative indicator is an indication of how full ~~a~~ the one user equipment's buffer is in comparison to ~~the~~ a minimum.

20. (PREVIOUSLY PRESENTED) The base station according to claim 17, wherein the comparing unit is arranged to produce a plurality of relative indicators for each user equipment.

21. (CURRENTLY AMENDED) The base station according to claim 17, wherein the transmitting unit is arranged to transmit the ~~or each~~ relative indicator for each user equipment from the base station to that user equipment.

22. (CURRENTLY AMENDED) The base station according to claim 17, wherein the transmitting unit is arranged to transmit the ~~or each~~ relative indicator to a radio network controller.

23. (CURRENTLY AMENDED) A user equipment comprising:

a data buffer;

a transmitting unit which transmits to a base station information concerning an amount of data to be transmitted;

a receiving unit which receives from ~~a~~ the base station a relative indicator, the relative indicator indicating how full the data buffer is in comparison to ~~the~~ data buffers of other user equipments served by that base station; and

a selecting unit which selects the base station as an active base station based on the relative indicator.

24. (CURRENTLY AMENDED) The user equipment according to claim 23, further comprising a determining unit which determines the amount of data in the data buffer,

wherein the information concerning ~~an~~ the amount of data to be transmitted is an indication of the amount of data in the data buffer.

25. (CURRENTLY AMENDED) The user equipment according to claim 23, further comprising a determining unit which determines an amount of data to be transmitted in a call, wherein the information concerning ~~an~~ the amount of data to be transmitted is an indication of the amount of data to be transmitted in the call.

26. (PREVIOUSLY PRESENTED) The user equipment according to claim 23, wherein the receiving unit is arranged to receive a plurality of relative indicators from a base station.

27. (CURRENTLY AMENDED) The user equipment according to claim 23, further comprising a storing unit which stores a history of the ~~or each~~ relative indicator, wherein the selecting unit is arranged to select ~~a~~the base station as ~~an~~the active base station based on a history of the ~~or each~~ relative indicator.

28. (CURRENTLY AMENDED) The user equipment according to claim 23, wherein the selecting unit is arranged to select ~~a~~ the base station as ~~an~~the active base station based additionally on a measure of radio channel conditions.

29. (CURRENTLY AMENDED) The user equipment according to claim 28, further comprising a storing unit which stores a history of radio channel conditions, wherein

the selecting unit is arranged to select ~~a~~ the base station as ~~an~~ the active base station based on a history of radio channel conditions.

30. (PREVIOUSLY PRESENTED) The user equipment according to claim 23, further comprising a transmitting unit which transmits an indication of the selected base station.

31. (CURRENTLY AMENDED) The user equipment according to claim 23, further comprising a scheduling unit which schedules uplink transmissions in dependence on the ~~or each~~ relative indicator.

32. (CURRENTLY AMENDED) The user equipment according to claim 31, wherein the scheduling unit is arranged to determine a rate and/or time at which data is to be transmitted to the base station based on the or each relative indicator.

33. (CANCELLED)

34. (CURRENTLY AMENDED) A communications system comprising:

a base station for receiving data from a plurality of user equipments, the base station comprising:

a determining unit which determines the amount of data in the data buffer of each of the user equipments;

a comparing unit which compares the amount of data in the data buffers of the user equipments to obtain a relative indicator, the relative indicator indicating how

full a user equipment's data buffer is in comparison to the data buffers of the other user equipments;

a first transmitting unit which transmits the relative indicator;

a first receiving unit which receives a signal indicating whether the base station has been selected as an active base station for a user equipment; and

an allocating unit which allocates a channel to the user equipment if the base station has been selected as ~~an~~the active base station; and

a user equipment comprising:

a data buffer;

a second transmitting unit which transmits to said base station information concerning an amount of data to be transmitted;

a second receiving unit which receives from said base station said relative indicator, the relative indicator indicating how full the data buffer is in comparison to the data buffers of other user equipments served by that base station; and

a selecting unit which selects the base station as ~~an~~the active base station based on the relative indicator.